

Mortician Board Meeting Minutes
November 16, 1999

ROLL CALL: Jeffrey Blackmer, Chairman; Laine Eckersell; Steven Gordon

BUREAU STAFF; Tom Limbaugh, Bureau Chief; Budd Hetrick, Deputy Bureau Chief; John Kersey, Supervising Investigator; Roger Hales, Administrative Attorney; Janice Wiedrick, Office Specialist

ALSO PRESENT: Jean Boyles and Dick Scudder, Idaho Memorial Society; Ken Mallea, Idaho Funeral Service Association; Ed Robertson, Jim Opdahl, Dorn Rademacher, Joe Larsen, & Larry Hansen, Licensed Morticians; Richard Whitehead, insurance agent.

Chairman Blackmer called the meeting to order at 9:05a.m.

Laine Eckersell moved to approve the minutes of July 19-20, 1999 board meeting and August 20, 1999 conference call. Steve Gordon seconded the motion, motion carried.

BUREAU STAFF

Tom Limbaugh was introduced to the Board. Mr. Limbaugh presented the financial report showing a positive balance of \$5,669.23.

The new contract between the Board and the Bureau was presented for review. Laine Eckersell moved to authorize the Chairman to sign the contract. Steve Gordon seconded the motion, motion carried.

Budd Hetrick presented a new application for a Certificate of Authority for the Board to review.

John Kersey presented the investigative report showing 8 complaints received for 1999 and two of the complaints have been closed. One investigation from 1998 is under investigation.

The complaint and investigative processes were discussed and a pamphlet on the complaint process was distributed to the Board members. Mr. Kersey reported the crematory inspection form is being re-developed and when completed it will be distributed for review.

Roger Hales reported the temporary rules are in process. Proposed change of law for the year 2001 to increase the reinstatement fee to \$250 was discussed. Mr. Hales is to draft the proposed change for review at the January 18-19, 2000 meeting.

Discussion was held on whether or not a Certificate of Authority can be issued to Funeral Establishments. Opinions were presented by Ken Mallea, Joe Larsen and Dorn Rademacher on the issuance of a Certificate of Authority to a Funeral Establishment.

Laine Eckersell moved to go into an executive session based upon potential litigation regarding the Certificate of Authority. Steve Gordon seconded the motion, motion carried.

Laine Eckersell moved to come out of the executive session. Steve Gordon seconded the motion, motion carried.

Steve Gordon moved that Roger Hales draft an opinion for the Board, based upon receiving input from the Board's legal counsel, the legal counsel from the Association and members of the public, a Certificate of Authority can only be issued to a Licensed Mortician. A Funeral Establishment is not eligible for a Certificate of Authority. The draft is to be faxed to the Board members for review and a conference call will be set at that time.

The Board recessed for lunch and reconvened at 1:30p.m. with all Board members present.

BOARD BUSINESS FILE

The business file was cleared with the following actions to be taken:

A letter from Jamey Seeley of Carriage Funeral Services requesting information on the licensing of seven funeral establishments. The Idaho corporation has been dissolved and the firms transferred to the parent company in Texas. The Board ruled that this would constitute a change of ownership of the facilities and will require re-licensing.

A letter from Trenita G. Oliver of Carriage Services, Inc., requesting information on pre-need sales, was reviewed. (Board responses are underlined):

1. What are the allowed charges on a pre-need funeral account? 15%
2. Are they allowed to add finance charges on a pre-need funeral account? Not addressed in the Mortician Law.
3. Upon death, what is the amount that is due to the contract beneficiary?
54-1134E. At the time of providing the services and/or merchandise, any interest income remaining after payment of trustee fees, administrative expenses and taxes shall be disbursed as follows: 1. On a guaranteed price prepaid contract, to the seller. 2. On a non-guaranteed price prepaid contract, to the purchaser or the purchaser's estate.

The next scheduled Board meeting is January 18-19, 2000.

Agenda Items:

Examination development
\$250 reinstatement fee added.

Having no further business before them, the meeting adjourned at 2:45p.m.